

COUNTY OF YORK

2007

LEGISLATIVE PROGRAM



BOARD OF SUPERVISORS

Walter C. Zaremba, Chairman

Kenneth L. Bowman, Vice Chairman

Sheila S. Noll

James S. Burgett

Thomas G. Shepperd, Jr.

COUNTY ADMINISTRATOR

James O. McReynolds

COUNTY ATTORNEY

James E. Barnett

Prepared by the Office of the County Attorney

Introduction

The Board of Supervisors is pleased to commend this Legislative Program for consideration by the 2007 General Assembly. It was adopted and endorsed by the Board on September 19, 2006, by Resolution R06-____.

With the support of our legislators, I know that our County government will be improved and the quality of life for our citizens will be enhanced. If, during the course of the session, our legislators have questions concerning the position of the County on legislative matters, they are encouraged to contact James O. McReynolds, our County Administrator, at 890-3320, or James E. Barnett, our County Attorney, at 890-3340, who would be pleased to respond to any questions that you might have with regard to the legislation proposed.

Walter C. Zaremba, Chairman
Board of Supervisors

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in the Board Room, York Hall, Yorktown, Virginia, on the 19th day of September, 2006:

Present

Vote

Walter C. Zaremba, Chairman
Kenneth L. Bowman, Vice Chairman
Sheila S. Noll
James S. Burgett
Thomas G. Shepperd, Jr.

On motion of Mrs. Noll, which carried 5:0, the following resolution was adopted:

A RESOLUTION APPROVING THE COUNTY'S 2007 LEGISLATIVE PROGRAM

WHEREAS, because of the applicability of Dillon's Rule in Virginia, York County is dependent upon the General Assembly to adopt specific enabling legislation in many instances in order to enable the County to provide efficient and effective services and government to its citizens; and

WHEREAS, the County has developed a Legislative Program for the consideration of the 2005 session of the General Assembly which outlines certain legislative policies which the Board believes ought to guide the General Assembly and proposes certain legislation that would benefit the County; and

WHEREAS, the Board has carefully considered its legislative program, and believes that it is in the best interests of the citizens of York County;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this ____ day of _____, 2006, that this Board hereby approves the County's 2007 Legislative Program, and commends it to the County's representatives in the General Assembly for action.

BE IT FURTHER RESOLVED that copies of this Resolution and the County's 2007 Legislative Program be forwarded to the County's elected representatives to the General Assembly.

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Maximize Funding for the Commonwealth's Critical Transportation Needs

In recent years, as the Commonwealth's transportation needs have increased and the transportation infrastructure has proven increasingly inadequate, state-level funding has failed to keep up with needs for the Hampton Roads region and for the Commonwealth as a whole. Planning for large-scale projects, including a Hampton Roads third crossing and light rail for the Peninsula and South Hampton Roads has come to a standstill, and funding for secondary road construction has been cut in York County by sixty-three percent (63%) compared to 2001 funding levels.

Transportation will prove to be an essential component in the Commonwealth's plans to move forward, not only for the personal benefit of residents who commute to jobs and travel locally for shopping and entertainment, but also as an inducement for businesses and industry to locate here and to expand existing locations. The General Assembly must focus the Commonwealth's resources on this vital service. Local governments cannot successfully handle this task alone. Virginia needs long-term, sustainable and dedicated transportation funding.

Do not Restrict Local Government Authority to Establish Real Estate Tax Rates, or Place Artificial Limits on the Assessment of Real Property at Fair Market Value

Over the last several General Assembly sessions, bills have been introduced which, in one way or another, would either disengage the local real estate assessment process from actual fair market value (by, for example, establishing a property's tax assessed value as of the date of its most frequent sale) or placing caps on revenues which localities may raise through real estate taxation. In recent years, as real estate values have risen dramatically in some localities, there has been increasing pressure on the General Assembly to adopt legislation which would restrict local government authority by one means or another. Believing that government is best which is closest to the people, we feel that local government budgets and tax rates should be left entirely in the hands of elected local government officials who remain answerable to their constituents through the electoral process. We also believe that any taxing methodology based upon real estate values can be fair and equitable only if it is based upon actual values applied across the board. To adopt any other approach could result in similar, even adjacent, properties being taxed at markedly different rates, depending primarily on the date of the most recent transfer of title. We ask that the 2007 General Assembly refrain from adopting any legislation which interferes with the ability of local governments to establish budgets and tax rates based upon local needs, or which creates built in inequalities by uncoupling property assessments for tax purposes from actual fair market values.

**Adopt Legislation Guaranteeing that at Least
\$20 million of VDOT's Revenue Sharing Program
Funding be Earmarked for Counties, with each
County Eligible to Request at Least \$1 million
in State Funding on an Annual Basis**

For years, the County has included as an item in its legislative program a request that the state's budget for the VDOT Revenue Sharing Program be increased from \$15 million to \$20 million. At long last, the 2005 General Assembly did increase the funding for revenue sharing to a total of \$50 million and the individual locality cap to \$1 million, but at the same time made cities, as well as counties, eligible for participation in the program. Thus, the pie got larger, but the number of "slices" potentially increased, possibly leaving counties worse off than they were before. Indeed, the 2005 legislation provides that no single locality may receive more than \$1 million in state revenue sharing funding, but the chance that any county will actually receive that amount is diminished by virtue of cities being made eligible. We request that you adopt appropriate legislation to set aside at least \$20 million in the VDOT Revenue Sharing Program for use exclusively by counties, and allowing each county to request up to \$1 million in state funding on an annual basis. Additionally, as with transportation funding in general, this program needs to be supported by long-term, sustainable and dedicated funding that will allow appropriations to match the legislative authorizations—not just the meager \$15 million that VDOT has projected could be made available for allocation in FY 07.

The Commonwealth Should Increase its Support for Virginia's Tourism Industry

Tourism has long been one of Virginia's main industries, bringing in approximately \$____ billion in traveler spending to the state's economy in 20____, the last year for which figures are available. Of that amount, approximately \$_____ was spent in the Historic Triangle area of Williamsburg, Jamestown and Yorktown on lodging, meals, entertainment, retail sales, and transient room occupancy. Income realized from tourism contributed an estimated ____% to the Virginia gross state product, and travel and tourism is the fifth largest private sector employer in Virginia with over _____ direct fulltime equivalency jobs in 20____, accounting for approximately ____% of total employment in the Commonwealth, and generating approximately \$____ billion in state and local tax revenues. And yet, with all of the tourist destinations Virginia has to offer, expenditures by the State Tourism Office ranked only slightly above the national average for states, with Virginia's 20____-20____ projected expenditures of \$_____ exceeding the national average (\$_____) by only approximately \$_____. By comparison, our neighbor, West Virginia expends slightly in excess of \$____ million, and Pennsylvania spends approximately \$____ million, all competing for tourists in the highly populated northeast quadrant of the United States. In light of the continued sluggishness in tourism in Virginia, we believe that there should be a substantial increase in state expenditures for tourism related advertising in order to remind the public that Virginia's historic and recreational attractions are merely an automobile ride away for millions of Americans.

Fully Fund the Commonwealth's Responsibilities for Human Services Programs, and Implement Needed Program Changes for Services Offered to the Commonwealth's Neediest Citizens

In recent years, the General Assembly has followed a distressing trend of reducing funding for various Human Services programs, which has had the unfortunate result not only of scaling back programs as they formerly existed, but also hindering the expansion of those programs to meet the Commonwealth's growing needs. For example, the 2002 General Assembly enacted a sweeping reduction in funding for the Virginia Juvenile Community Crime Control Act, and similar reductions have been made in juvenile detention funding. Attached is a memorandum ("2006 – 07 Legislative Analysis, Human Services") which more particularly describes financial and administrative actions which the Board of Supervisors urges the General Assembly to enact.

In addition, we ask for the following:

- Provide full funding for state aid to public libraries, constitutional officers, juvenile and adult corrections, and other areas of shared responsibility, to the levels required by applicable statutes.
- Oppose any legislation which would require local matches for Medicaid, an idea which seems to be gaining some currency.

Do not Increase Local Government Tax Burdens When Restructuring the Personal Property Tax Relief Act

The 2005 General Assembly corrected what was perceived to be a significant issue regarding the implementation of the personal property tax relief act by, essentially, restructuring the Act into a block grant program, creating a \$950 million pool of money to provide grants to each of Virginia's localities based upon the value of "qualifying motor vehicles" as of the 2005 tax year. Localities will each distribute the available tax relief among their base of personal property taxpayers, using a methodology to be selected by each locality. However, there are currently no plans to increase available funding for this program in the future (none were adopted in 2006), meaning that over time the percentage of the total personal property tax burden in each jurisdiction which is assumed by the state will be annually reduced on a per capita basis as the number and value of automobiles increases in each jurisdiction. We request that the General Assembly provide funding for annual increases in the state's funding of the Act so that the percentage of the personal property tax burden assumed by the state remains constant over the years.

Reinstitute "Photo-red" Traffic Signal Enforcement in Virginia, and Authorize York County to Implement the Program

As you will recall from previous legislative programs, York County has for a number of years requested that it be included among those jurisdictions authorized to implement photo-monitoring of intersections for enforcement of compliance with traffic signals. In recent years, there have been several bills introduced which either would have added York County to that small number of jurisdictions authorized to implement such programs, or which would have allowed photo-monitoring programs throughout the Commonwealth. Unfortunately, none of those bills have ever been adopted by the General Assembly, and in fact in 2005, the General Assembly allowed the existing programs to expire by reason of a sunset provision which was part of the original legislation. Although there appears to be a gathering amount of support among members of the General Assembly and among the Commonwealth's localities for photo-monitoring as a valid means of increasing traffic safety, with at least three bills introduced in 2006, the House Committee on Militia, Police, and Public Safety continually prevents any such legislation from reaching the house floor. We ask that appropriate legislation be submitted to reinstitute the photo-monitoring traffic signal enforcement program, either making it statewide in its application, or at least adding York County to the list of jurisdictions who can implement the program.

Initiate a Study of the Possibility of Adoption of Homestead Exemptions and Other Alternatives for Tax Relief for the Elderly and Disabled

Virginia's tax structure requires local governments to rely on property taxation to provide for the majority of their tax revenues. This reliance, however, creates inequities which tend to penalize the elderly and the disabled, because in a time of rising real estate values, the ownership of taxable real estate does not necessarily correlate to the taxpayer's ability to pay, particularly where the taxable real property has been owned for a substantial period of time and by someone who may now be on a fixed income. However, local governments have no option to create categories of taxpayers, but must assess a uniform rate of taxation against all real estate without any relief being provided for taxpayers whose incomes are fixed while the values of their real estate continue to soar. Rather than simply tell such taxpayers that they ought to sell their cherished homes and move into something cheaper and less desirable, it may be preferable to afford relief in the form of a homestead tax exemption with a "means test" so that, at least for the low income elderly and disabled, all or a portion of the value of real estate used as a principal residence could be excluded from taxation. A number of states have adopted such homestead tax exemptions, and the examples are too numerous and diverse to summarize here. We ask that the General Assembly institute a study of homestead tax exemptions and similar forms of tax relief for the elderly and disabled so that they can protect their homes from rising real estate taxes.

Reject any Proposed Limitations on the Use of Eminent Domain for the Acquisition of Property for Legitimate Governmental Purposes

The recent Supreme Court decision in *Kelo v. City of New London, Connecticut*, recognized that the use of eminent domain powers for economic development is a legitimate exercise of governmental power, even when land and buildings are condemned for the purpose of conveying them to private developers for urban revitalization. As a result of the widespread public outcry against the Supreme Court's ruling, many states have considered, or will soon be considering, legislation to effectively overrule the Supreme Court's opinion. In 2006, the General Assembly House and Senate deadlocked on two radically different approaches, with HB 94 amended on the floor of the House to severely restrict the ability of any government to utilize eminent domain, while SB 394 took a more moderate approach, allowing governments to continue to use eminent domain for traditional public projects. Certainly the issues raised in the *Kelo* decision are important and certainly worthy of discussion and debate by the General Assembly. But, there is a fear that opponents of the use of eminent domain will seek to use such legislation as an opportunity to restrict the use of eminent domain generally and encroach upon the ability of governments to use eminent domain in support of traditional public projects such as water and sewer projects and public buildings, and (in localities with housing authorities) for renovations of blighted residential areas. We request that the General Assembly, in considering any such legislation, refrain from narrowing the authority of state and local governments to utilize eminent domain for those kinds of public projects for which eminent domain has proven frequently to be a necessary tool.